

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

CATHERINE ELAINE MASON,)
Plaintiff,)
v.) CIVIL ACTION NO.: CV209-085
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In her Objections, Plaintiff contends that Dr. Galea's failure to respond to the letter sent by the ALJ, amounted to new evidence which should have been proffered in accordance with Hallex I-2-7-30. Plaintiff cites no authority supporting the contention that a non-response constitutes new evidence. Plaintiff further claims that Dr. Galea's failure to respond served as the "good cause" used by the ALJ as the basis for discounting Dr. Galea's opinion. Although the ALJ acknowledges that Dr. Galea did not respond, the ALJ does not rely on this as evidence in evaluating the opinion of Dr. Galea. The ALJ specifically states that he discounts Dr. Galea's opinion based on the

evidence in the record, including Plaintiff's self reported activities and other doctor's opinions and notes. (R. 22-23).

Plaintiff's Objections are without merit and are **OVERRULLED**. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. The decision of the Commissioner is **AFFIRMED**. The Clerk is directed to enter the appropriate judgment.

SO ORDERED, this 29 day of June, 2010.

LISA GADBELY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA